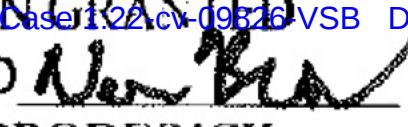


**APPLICATION GRANTED
SO ORDERED** 
VERNON S. BRODERICK
U.S.D.J. 9/5/2023

Rory J. McEvoy

Plaintiff's motion for leave to file a second amended complaint is GRANTED. Plaintiff shall file her amended complaint by September 7, 2023. The complaint against Celia Wells and Sonia Nelson is hereby DISMISSED with prejudice pursuant to Fed. R. Civ. P. 41(a)(2). Defendants shall respond to the amended complaint by October 2, 2023. If Defendants move to dismiss the amended complaint, any opposition to Defendants' motion to dismiss shall be due by October 23, 2023. Defendants shall file any reply by November 6, 2023. In light of these requests, Defendants' prior motion to dismiss is DENIED as moot, without prejudice to renew on the schedule stated in this order.

The Clerk of Court is respectfully directed to terminate the motions at Docs. 43 and 53.

VIA ECF

Honorable Vernon S. Broderick
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

**Re: Devita v. The Mount Sinai Hospital, et al.
22 Civ. 09826 (VSB)**

Dear Judge Broderick:

On behalf of our clients, The Mount Sinai Hospital ("Mount Sinai"), Jeff Cohen, Mardisa Samson-Ramos, Celia Wells and Sonia Nelson (collectively "Defendants"), we write in response to counsel for Plaintiff's letter, dated August 28, 2023 requesting leave to (i) file a Second Amended Complaint; and (ii) dismiss the action with prejudice against individual defendants Ms. Wells and Ms. Nelson. Mr. Saldarriaga also proposes a new briefing schedule if Defendants decide to move to dismiss the Second Amended Complaint.

With regard to the proposed Second Amended Complaint, Plaintiff's counsel is incorrect when he says that I took no position regarding it. I told Mr. Saldarriaga that I could not take a position without seeing the proposed Second Amended Complaint. Now having seen it, Defendants have no objection to the Court granting leave to file the Second Amended Complaint. There also is no objection to dismissing the case with prejudice against Ms. Wells and Ms. Nelson. Given Mr. Saldarriaga's health issues and other commitments, there is no objection to the briefing schedule proposed by him. While no decision has been made, the remaining Defendants may still move to dismiss the Second Amended Complaint.

Respectfully submitted,

/s/Rory J. McEvoy

Rory J. McEvoy, Esq.

cc: Victor Saldarriaga (via ECF)